

MICHAEL J. HADDAD (State Bar No. 189114)

JULIA SHERWIN (State Bar No. 189268)

T. KENNEDY HELM (State Bar No. 282319)

MAYA SORENSEN (State Bar No. 250722)

HADDAD & SHERWIN LLP

505 Seventeenth Street

Oakland, California 94612

Telephone: (510) 452-5500

Facsimile: (510) 452-5510

Attorneys for Plaintiff

T.D.P.

DAN SIEGEL (State Bar No. 56400)

EMILYROSE JOHNS (State Bar No. 294319)

SIEGEL & YEE & BRUNNER

475 Fourteenth Street, Suite 500

Oakland, California 94612

Telephone: (510) 839-1200

Facsimile: (510) 444-6698

Attorneys for Plaintiffs

RICHARD PERKINS, III

and ADA PERKINS-HENDERSON

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

T.D.P., a minor through her mother and  
Next Friend, Andrea Dupree, individually  
and as successor in interest for RICHARD  
HESTER PERKINS JR., Deceased,

Plaintiff,

vs.

CITY OF OAKLAND, a public entity,  
CITY OF OAKLAND POLICE CHIEF  
SEAN WHENT in his individual and  
official capacities, SERGEANT JOSEPH  
TURNER, OFFICERS JONATHAN  
CAIRO, JOSHUA BARNARD,  
ALLAHNO HUGHES, and DOES 1-10,  
Jointly and Severally,

Defendants.

No: 3:16-cv-04132-LB

**UPDATED JOINT CASE  
MANAGEMENT STATEMENT**

**Date:** November 9, 2017

**Time:** 11 a.m.

**Place:** Courtroom C - 15th Floor, 450 Golden  
Gate Ave., San Francisco, CA 94102

**Judge:** Laurel Beeler

**Case Filed:** August 1, 2016

**Trial Date:** April 2, 2018

RICHARD PERKINS, III, son of  
RICHARD PERKINS, JR., deceased, and  
ADA PERKINS-HENDERSON,

Plaintiff,

vs.

CITY OF OAKLAND; JOSEPH  
TURNER, individually and in his official  
capacity as a sergeant for the police  
department of the City of Oakland;  
JONATHAN CAIRO, individually and in  
his official capacity as an officer for the  
police department of the City of Oakland;  
JOSHUA BARNARD, individually and in  
his official capacity an officer for the  
police department of the City of Oakland;  
and ALLAHNO HUGHES, individually  
and in his official capacity as an officer  
for the police department of the City of  
Oakland,

Defendants.

No: 3:16-cv-04324-LB

**UPDATED JOINT CASE  
MANAGEMENT STATEMENT**

1           **1.       Joint Statement on Case Progress and Developments**

2           Since the last case management conference (“CMC”), the parties have resolved, with the  
3 help of the Court, the discovery disputes pending at that time. (Doc. 62.) On July 27, 2017, this  
4 case was referred for settlement conference to Magistrate Judge Joseph C. Spero. On September  
5 18, 2017, the parties participated in a settlement conference with Judge Spero, but the case did not  
6 resolve. Although the Parties had been scheduled for a further settlement conference on October  
7 10, 2017, that date did not allow sufficient time for Defendants to discuss this matter with the  
8 Oakland City Council, and, therefore, the Parties requested a continuance of the conference, which  
9 Judge Spero moved to October 26, 2017. (Dkt. 75.) Shortly before the settlement conference was  
10 to occur, the settlement conference was taken off calendar because the prospect for settlement was  
11 too remote.

12           Defendants deposed: (i) Andrea Dupree, Plaintiff’s T.D.P.’s (“T.D.P.”) mother, on July 14,  
13 2017; Ada Perkins-Henderson, Richard H. Perkins, Jr.’s (“Mr. Perkins”) mother, on July 24, 2017;  
14 (iii) Plaintiff Richard Perkins, III (“Richard, III”) on September 7, 2017; and (iv) T.D.P. on  
15 September 16, 2017.

16           The depositions of the four Defendant officers took place on September 8 and 16, 2017.  
17 The parties also deposed six of the nine police officers who were present during the shooting and  
18 observed pertinent events on September 27, and 29, 2017.

19           Parties are still working out dates to depose the person most knowledgeable about certain  
20 topics pursuant to Federal Rule of Civil Procedure 30(b)(6) as well as Defendant Chief Whent and  
21 the remaining witness officers. Due to conflicting schedules, it may be necessary to extend the  
22 discovery deadlines by a few weeks to accommodate the remaining deponents. The parties  
23 anticipate submitting a stipulated proposal to the Court shortly.

24           The depositions of two third-party witnesses, Elizabeth Smith- Allen and Sharon Bershell,  
25 are scheduled for November 3 and November 15, respectively.

1           **2. Outstanding Issues:**

2           **Plaintiffs:**

3           The parties appeared before the Court on November 2, 2017 regarding the discovery of a  
 4 matter involving Defendant Turner. The Court decided to review the Internal Affairs report in  
 5 camera at the request of the Defendants. Plaintiffs respectfully request that the Court review the  
 6 rest of the documents Plaintiff T.D.P. requested in camera to get a complete picture of the relevance  
 7 these documents to have to this case. The Internal Affairs report by itself likely has incorrect  
 8 information or it omitted important relevant information. Specifically, we ask the Court to review  
 9 documents related to Requests 1, 3, 4, and 5 in Plaintiffs' Exhibit A attached to the letter brief filed  
 10 under seal.

11           The parties continue to meet and confer over other discovery issues, and will seek the  
 12 Court's intervention only if necessary.

13           **Defendants:**

14           With only a few hours until the Joint CMC statement is due, Plaintiffs have added the above  
 15 section over Defendants' strenuous objections. All issues related to the Turner discovery issue have  
 16 been fully briefed by both parties and the matter was submitted this morning following oral  
 17 argument. Defendants object to Plaintiffs' attempt to use the CMC statement as a request for  
 18 reconsideration of the Court's order regarding this discovery dispute that was issued only a few  
 19 hours ago and ask that Plaintiffs' request be disregarded in its entirety.

20           Defendants also object to Plaintiffs' proposal as being nonsensical. In this inappropriate  
 21 request, Plaintiffs ask that the Court review *all* of the documents Plaintiffs have requested *in-*  
 22 *camera* to determine if *any* should be produced. Plaintiffs make this request knowing full well that  
 23 one of the main reasons for Defendants' objections is that Plaintiffs' request is overly burdensome,  
 24 vague and not proportional to the needs of this case in addition to being irrelevant and violating  
 25 Officer Turner's right to privacy. In an attempt to burden Defendants as much as possible,  
 26 Plaintiffs appear to be insisting that Defendants go through the time and expense of producing *all of*  
 27 *the documents requested* for an *in camera* review (which would be an enormous undertaking) just

so the Court can determine if *any* of the requested information should be produced. Plaintiffs' last minute inclusion of this request in the CMC statement makes clear Plaintiffs' goal – not to obtain relevant or even potentially admissible evidence, but to unnecessarily burden and harass Defendants. Defendants submit that the Court should reject Plaintiffs' blatant disregard for the procedures of this Court, adhere to the ruling it issued just a few hours ago and review the I.A. report provided by Defendants *in camera* to determine if that report should be produced.

### 3. ADR

At this time, there are no further settlement conferences or mediations scheduled.

DATED: November 2, 2017

HADDAD & SHERWIN, LLP.

/s/ Maya Sorensen

Maya Sorensen  
Attorneys for Plaintiff  
T.D.P.

DATED: November 2, 2017

Siegel & Yee

/s/ EmilyRose Johns

EmilyRose Johns  
Attorneys for Plaintiffs  
Perkins and Henderson

DATED: November 2, 2017

Meyers & Nave

/s/ Blake Loeb

Blake Loeb  
Attorneys for City of Oakland, et al.

DATED: November 2, 2017

Bassi, Edlin, Huie, & Blum

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/s/ Noel Edlin  
Noel Edlin  
Attorneys for Officer Turner

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